

**Staff
Summary
Report**



To: Mayor & City Council
Through: City Manager

Agenda Item Number: 30
Meeting Date 11/29/2001

SUBJECT: ABATEMENT – 1208 W. Pebble Beach Drive

PREPARED BY: Jan Koehn, Code Compliance Manager

REVIEWED BY: Dave Fackler, Development Services Manager

BRIEF: This is a public hearing to abate code violations at 1208 W. Pebble Beach Dr.

COMMENTS: **ABATEMENTS (0602)** Hold a public hearing to abate code violations at 1208 W. Pebble Beach Dr. at a cost of \$2,320.00.

Document Name: 20011129devsrh03 **Supporting Documents:** Yes

SUMMARY: Anticipated abatement costs, based upon a quote received by Bishop, Inc. on October 7th, 2001, will be \$2,320.00 for removal of debris, litter, scrap metal, vehicle parts, inoperable vehicles, discarded appliances, wood, construction materials, discarded or worn out household items, rags, cages, metal racks, broken furniture, wiring and miscellaneous junk. Bishop, Inc is the City approved abatement contractor under contract on an annual basis.

RECOMMENDATION: As per the attached memorandum and copies of photographs, we recommend that the City Council authorize the abatement of the conditions at 1208 W. Pebble Beach Drive.

DATE: Oct. 15, 2001
TO: Jan Koehn, Code Enforcement Manager
FROM: Dave Christ, Senior Code Inspector
SUBJECT: Request to pursue abatement CE011461

LOCATION: 1208 W Pebble Beach Dr. Tempe, Arizona

LEGAL: Book 123, Map 42, Parcel 102, as recorded with the Maricopa County Assessor

OWNER: Tammy Lee Mistrot

FINDINGS:

- 04-09-01 The Code Compliance Division received a complaint reference the condition of the property located at 1208 W Pebble Beach Drive. The caller complained about the junk and debris located in the carport.
- 04-23-01 I conducted an inspection of the property and found the carport was full of junk and debris including wood, old interior furniture, electronic parts and pieces, construction materials, boxes, and other miscellaneous items. I observed junk and miscellaneous items on top of the storage sheds in the rear yard and the rear yard was completely filled with junk and materials. There was also a Fiat (NM980 FFA 8/96) parked in the front yard west of the driveway. I spoke to the homeowner who identified herself as Tammy Mistrot. She said she was preparing for a garage sale over the weekend. I told her I would allow her two weeks to have the carport junk removed and the disabled vehicle removed.
- 05-01-01 I reinspected the address and found the Fiat had been removed. No progress had been made on removing the trash, litter, junk, and debris. There were more items than during the previous week. I attempted to contact the homeowner, but no one answered the door. A notice to comply was issued and posted to the front door. The notice instructed the home owner to remove all trash, litter, junk, and debris from the rear yard, side yard, front yard, driveway, and carport. The compliance date was set for 05-15-01
- 05-17-01 I reinspected the address and found that some progress had been made in cleaning the carport area. However, the carport, side yard, and rear yard were still in violation. The rear yard was 75% covered with junk, trash, litter, and debris. The Fiat with expired plates was back in the front yard west of the driveway again. I spoke to Tammy Mistrot again and she stated she needed more time. I gave her a one-month extension.
- 05-22-01 I mailed a second and final notice to the homeowner with a compliance date of 06-17-01. The notice instructed the home owner to remove all trash, litter, debris, and junk from the

front yard, side yards, rear yard, and carport area. The homeowner was also told to remove the disabled vehicle. The notice informed the owner that a citation would be issued if the property was not in compliance by 06-17-01.

- 06-21-01 The property was reinspected and little change was noted from the previous inspection. Some junk and debris had been removed from the rear yard and thrown into the alley. I observed a second unregistered vehicle parked in the driveway (AZ108 CKS10/00). Photographs were taken by Shawn Daffara to document the condition of the property.
- 06-28-01 A citation was mailed first class to the homeowner for one violation of 21-3b1 and two violations of 21-3b3. A court date was set for 07-12-01.
- 07-13-01 A review of Tempe Municipal Court records showed that the defendant failed to appear on the citation issued 06-21-01. A default judgment was entered by the court. Shawn Daffara and I reinspected the address and found that the unregistered truck was currently registered. The trash, litter, debris, and junk were still in the yard as well as in carport and the unregistered Fiat. Photographs were taken by me to document the condition of the property.
- 07-16-01 A review of Tempe Municipal Court records revealed that Tammy Lee Mistrot had been cited by Lucy Morales on 09-11-00 for a violation of 21-3b1 on citation # 1076218. She defaulted on the citation on 09-28-01 after failing to appear. On 10-05-00 Tammy Mistrot was again cited by Lucy Morales for a second violation of 21-3b1 on citation #896700. She failed to appear and defaulted on the citation on 10-24-00. On 07-12-01 she defaulted on the citation # 1111600 which I issued for a violation of 21-3b1 on 06-21-01. On 7-16-01 a complaint was forwarded to the Prosecutor's Office asking that criminal charges be filed against Tammy Mistrot.
- 08-01-01 Tammy Lee Mistrot entered into a plea agreement with the Prosecutor's Office under case number 01-504099-3. She was placed on three years probation and fined \$500.00 (to be suspended upon successful compliance). An additional special condition of her probation required that she "get and keep the property in compliance with all city codes within 45 days" of the agreement.
- 09-24-01 The defendant's property was reinspected and found not to be in compliance. Code Inspector Shawn Daffara was with me during the reinspection. We observed Tammy Mistrot watering flowers she had planted on the alley side of her block wall and raking the gravel in the alley. We checked the rear yard and found the entire rear yard was still full of junk and debris. There was very little, if any, change from the status of the yard since 7-13-01, when the criminal charges were filed. We also checked the front yard area and found more junk and debris now than what had been there when the original charges were filed. The entire front west side yard area was covered with junk and the entire carport was filled with junk. There was a roll-off dumpster in the driveway but the dumpster was empty. I took photographs of the front and rear yards to include with this memorandum.

- 10-2-01 A petition to revoke probation was filed with the City Court by the City Prosecutor's Office. An arraignment date has been set for 10-17-01.
- 10-12-01 I received a copy of the bid to have the property cleaned by the City's abatement contractor, Bob Hepting. The cost of the abatement will be \$2320.00. I completed a notification letter of our intent to abate the violations and mailed a copy to the property owner via certified mail. I tentatively scheduled the abatement hearing for the November 29, 2001 Council meeting.

RECOMMENDATIONS:

I request authorization to have the violations at this property abated by the City's contractor and a lien filed against the property. The defendant has demonstrated through her conduct that she will not voluntarily remove the violations occurring at the property.

Respectfully submitted,

Dave Christ
Senior Code Inspector



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov

Code Compliance Division

October 12, 2001

Re: Council Authorization

Tammy Mistrot
1208 W Pebble Beach Dr.
Tempe Az. 85282

Dear Ms. Mistrot,

This letter serves as written notification of our intentions regarding Complaint No. CE011461 which pertains to Code Violations on the following described property:

LEGAL: Book 123, Map 42, Parcel 102, as recorded with the Maricopa County Assessor.

LOCATION: 1208 W Pebble Beach Dr., Tempe, AZ

This office will submit this complaint to the City Council to be placed on the Council's agenda of November 29, 2001. We are requesting Council authorization to abate this public nuisance (violations of 21-3b1 and 21-3b3) in accordance with Section 21-16 of the Tempe City Code by removal of: debris, litter, scrap metal, vehicle parts, inoperable vehicles, discarded appliances, wood, construction materials, discarded or worn out household items, rags, cages, metal racks, broken furniture, wiring, and miscellaneous junk.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violation. If the violations have not been corrected within thirty days, our office will proceed with the abatement process.

Upon receipt of Council approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$2,320.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien will bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City.

In the event you have any questions regarding this matter, please contact our office at 350-8372 or contact me at 350-8951.

Sincerely,

Dave Christ
Senior Code Inspector

Bishop Inc.

5600 S Palm Drive

Tempe, AZ 85283

602-339-2082 or 480-730-6718 fax 480-413-

Invoice No. Prop800133

INVOICE

Customer

Name City of Tempe / Code Enforcement
Address 31 E. 5th Street
City Tempe State AZ ZIP 85281
Phone

Date 10/7/01
Order No.
Rep
FOB

Qty	Description	Unit Price	TOTAL
	PROPOSAL		
	Address of Property: 1208 E. Pebble Beach - Tempe, AZ		
	Scope of Work to Be Done:		
1	1. Clean up of property to include weed/debris removal, and and personal property as per Code Enforcement authority and discretion and direction.	\$1,000.00	\$1,000.00
3	2. Three Roll-off dumpsters	\$350.00	\$1,050.00
6	Off-duty police officer (6 hours)	\$45.00	\$270.00
			\$2,320.00
			\$0.00
			\$2,320.00

Payment Details

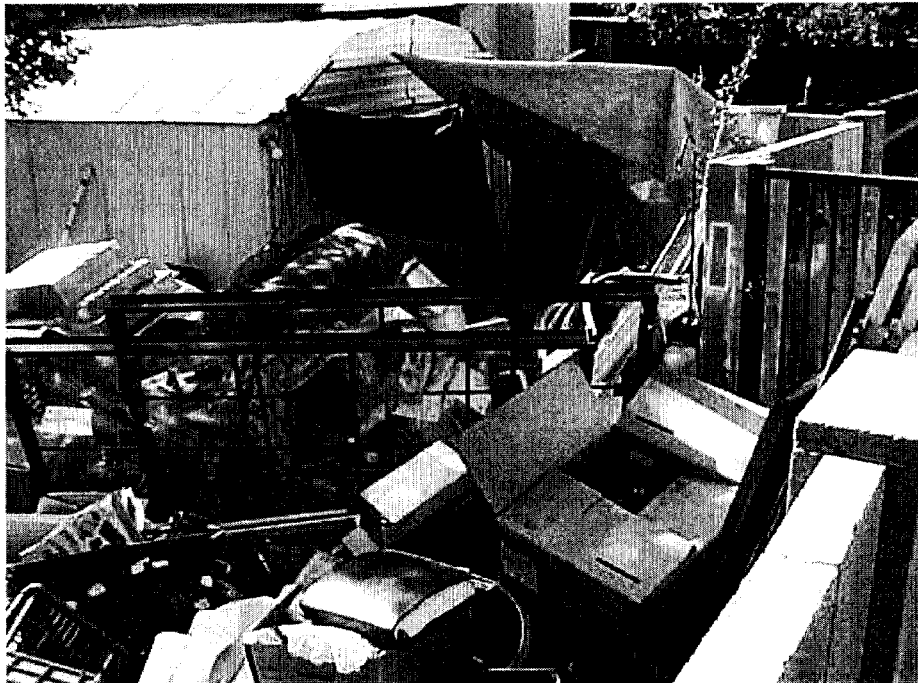
- ☐ Cash
☒ Check
☐ Credit Card

Name
CC #
Expires

Shipping & Handling
Taxes

TOTAL \$2,320.00

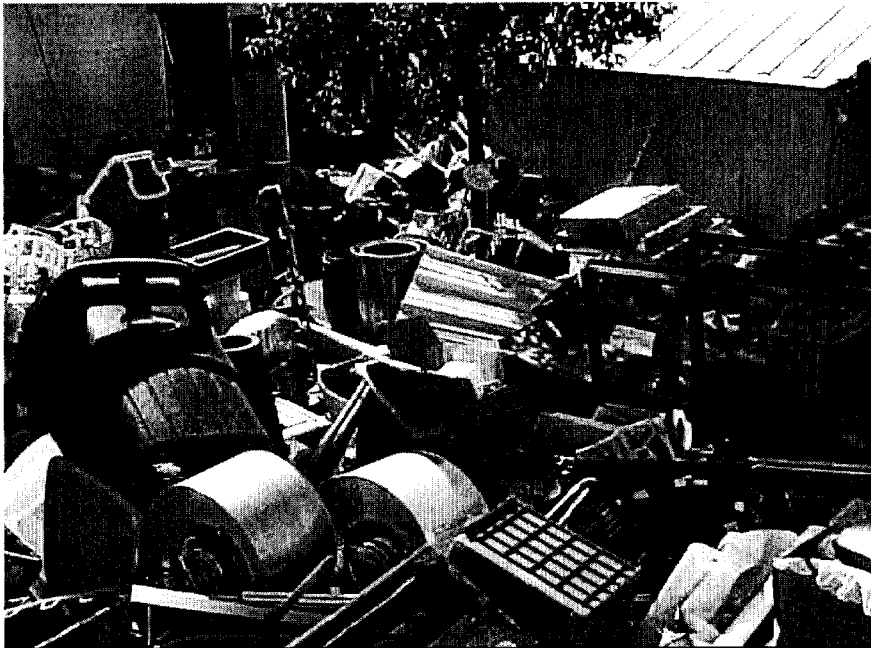
Office Use Only



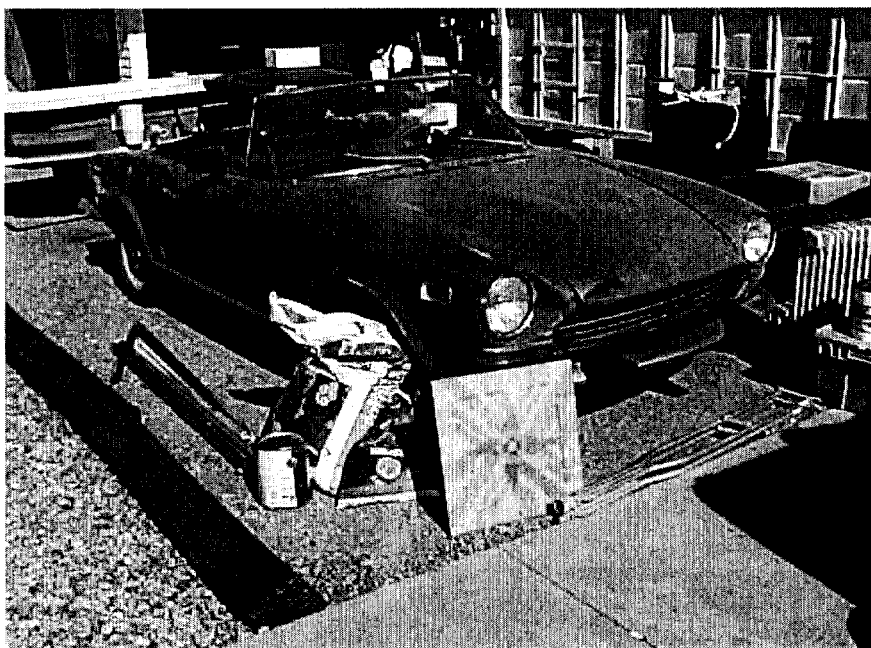
1208 W Pebble Beach Dr, 11-19-01



1208 W Pebble Beach Dr, 11-19-01



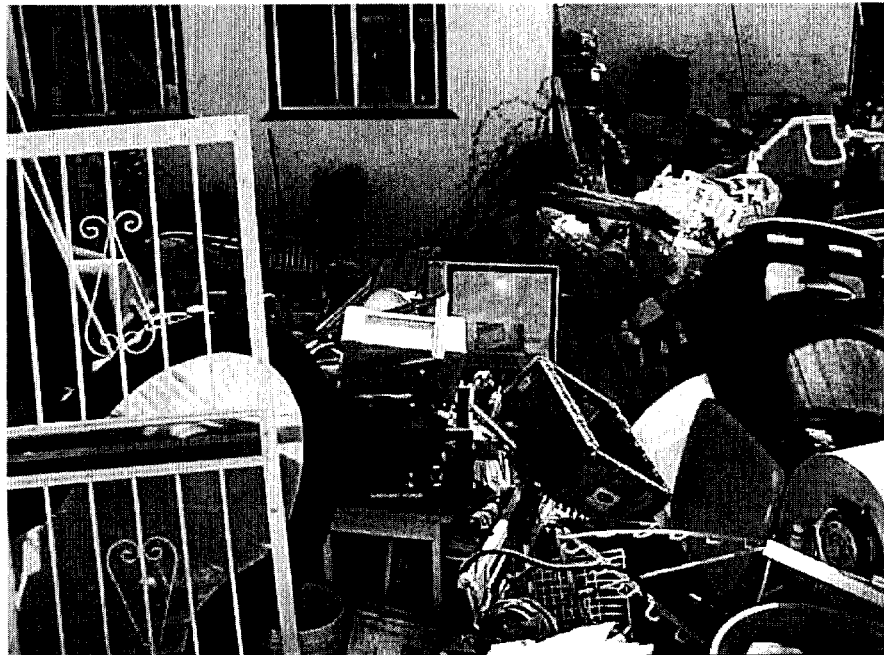
1208 W Pebble Beach Dr, 11-19-01



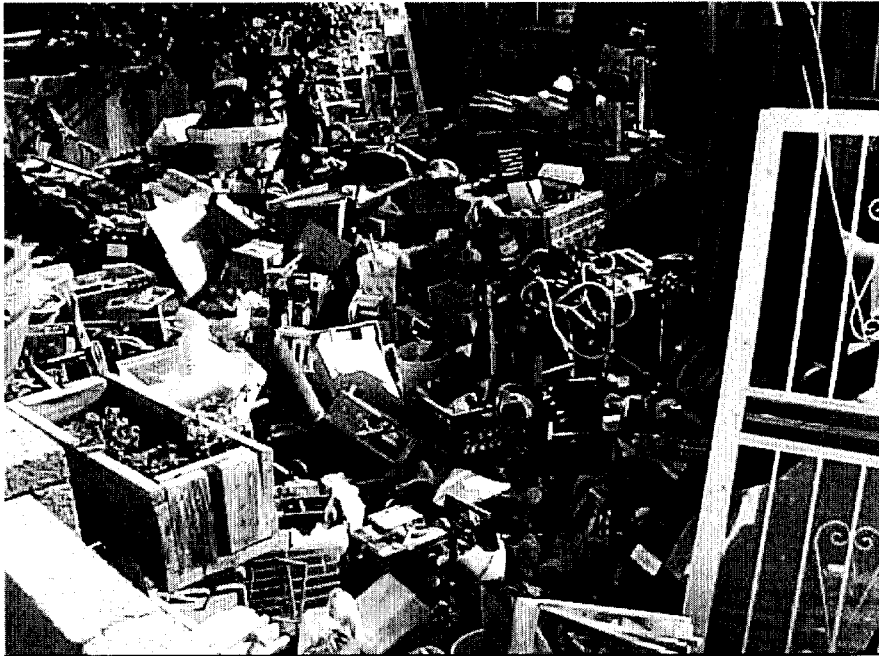
1208 W Pebble Beach Dr, 11-19-01



1208 W Pebble Beach Dr, 11-19-01



1208 W Pebble Beach Dr, 11-19-01



1208 W Pebble Beach Dr, 11-19-01